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WASHINGTON, D.C. 20231  
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OCT -9 2002

Paper No. 18

In re Application of :  
Tomohiro Hashii : DECISION ON PETITION  
Application No. 09/594,502 :  
Filed: June 16, 2000 :  
Attorney Docket No. 474082000700 :

This is a decision on the petition filed on August 6, 2002 by which petitioner has requested withdrawal of the examiner's holding that this application stands abandoned for failure to file a reply to the Office letter dated December 4, 2001. The petition is being considered under 37 CFR 1.181, and no fee is required for the petition.

The petition is granted.

Petitioner alleges that this application was not in fact abandoned because a timely reply to the Office letter in question was in fact filed. This allegation is supported by a copy of the reply, which has affixed thereto a 37 CFR 1.8(a) certificate of mailing dated April 1, 2002, and a copy of a petition for extension of time with authorization to charge counsel's deposit account for the extension fee. The petition also has affixed thereto a certificate of mailing dated April 1, 2002. In addition, petitioner has supplied a copy of the filing receipt for the reply showing that it was in fact received in the Office on April 1, 2002. Based upon this showing, it is clear that this application was not in fact abandoned. See 37 CFR 1.8(b). Further, Office financial records show that a charge against counsel's deposit account was in fact made in accordance with the petition for extension of time.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on April 1, 2002.

PETITION GRANTED.

  
E. Rollins-Cross, Director, Patent  
Examining Groups 3710 and 3720

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